



August 15, 2006 CPC
September 19, 2006 CPC

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0279
(AMENDED)

New Cingular Wireless PCS, LLC

Bermuda Magisterial District
Off the south line of Carver Heights Drive

REQUEST: A Conditional Use to permit a communications tower in an Agricultural (A) District.

PROPOSED LAND USE:

A 199-foot communications tower with accessory equipment is planned.

(NOTE: IN ORDER FOR THE PLANNING COMMISSION TO CONSIDER THIS REQUEST AT THEIR MEETING, A \$230.00 DEFERRAL FEE MUST BE PAID PRIOR TO THE PUBLIC HEARING.)

RECOMMENDATION

Recommend approval for the following reasons:

- A. With the recommended conditions, the proposal conforms to the Public Facilities Plan which suggests that communications tower locations should generally be located to minimize the impact on existing or future areas of development.
- B. The proposal conforms to the Tower Siting Policy which suggests towers should be located in areas characterized by industrial use.
- C. The recommended conditions will further minimize the possibility of any adverse impact on area development, the County Communications System or the County Airport.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS.)

CONDITIONS

1. The fenced compound for the tower shall be located a minimum of 100 feet from the eastern boundary of the property as identified on Sheet Ex-2 of plans prepared by Site Acquisitions, Inc. and dated August 14, 2006. A buffer of mature trees shall be preserved in the area between the fenced compound and eastern property boundary. Existing vegetation within this area shall be supplemented where necessary with additional landscaping to minimize the view of the site from the proposed right of way to the east. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. No trees within the buffer may be removed unless such trees are dead, diseased or dying. (P)
2. There shall be no signs permitted to identify this use. (P)
3. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
4. The color and lighting system for the tower shall be as follows:
 - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
 - b. The tower shall not be lighted.
 - c. The tower shall be a monopole structure (P)
5. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)

6. The tower shall not exceed a height of 199 feet. (P)

7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property.
(P)

GENERAL INFORMATION

Location:

South line of Carver Heights Drive, west of West Booker Boulevard. Tax ID 776-649-Part of 6217.

Existing Zoning:

A

Size:

0.5 acre

Existing Land Use:

Commercial

Adjacent Zoning and Land Use:

North, South, East and West – A with Conditional Use and Conditional Use Planned Development; Construction/demolition/debris landfill, contractor's shop and storage yard or vacant

UTILITIES

The proposed use will not necessitate a manned facility; therefore, the use of the public water and wastewater system is not required.

ENVIRONMENTAL

Drainage and Erosion:

The property drains to Piney Branch. There are no existing or anticipated on- or off-site drainage or erosion problems. If the disturbed acreage exceeds 2,500 square feet, a land disturbance permit must be obtained from the Department of Environmental Engineering.

PUBLIC FACILITIES

Fire Service:

The Chester Fire Station, Company Number 1 and the Airport Fire Station, Medic 15 currently provide fire protection and emergency medical service (EMS). This request will have a minimal impact on Fire and EMS.

Transportation:

The proposed development (communications tower) on the property will have a minimal impact on the existing transportation network.

The Thoroughfare Plan identifies a proposed north/south major arterial ("South Chalkley Road Extended"), with a recommended right-of-way width of ninety (90) feet, from Carver Heights Drive, south to Bradley Bridge Road. The proposed alignment of South Chalkley Road Extended is located just east of the property. The property is located approximately one hundred (100) feet west of the proposed South Chalkley Road Extended.

COUNTY COMMUNICATIONS

The Zoning Ordinance requires that any structure over eighty (80) feet in height be reviewed by the County's Public Safety Review Team for potential detrimental impacts the structure could have on the County's Radio Communications System microwave paths. This determination must be made prior to construction of the communications tower.

COUNTY AIRPORT

A preliminary review of this proposal indicates that, given the approximate location and elevation of the proposed installation, it appears there will be no adverse affect on the County Airport.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acre lots suited to R-88 zoning.

Area Development Trends:

While area properties are zoned Agricultural (A), the land uses are characteristic of industrial development with contractor uses, a construction/demolition/debris landfill and a closed county landfill.

As noted, the Plan suggests residential development in this area. However, given the existence of two (2) landfills, (one (1) closed and one (1) active) as well as industrial uses such as contractors' office and storage yards, it is anticipated that any future area residential development will occur south of the site.

Use:

Communications towers are allowed as a restricted use in an Agricultural (A) District, subject to numerous provisions one (1) of those restrictions require that the Antennae are co-located on electric transmission structures.

This proposal is for a freestanding tower. Therefore, a Conditional Use is required.

Development Standards:

The request property lies within an Emerging Growth Area. The purpose of the Emerging Growth District standards is to promote high quality, well-designed projects. However, because the property is zoned Agricultural (A), development is not required to meet the development standards for Emerging Growth Areas. A condition should be imposed to require compliance with Emerging Growth Area requirements relative to the architectural treatment of the proposed equipment building. (Condition 5)

The Conditional Use process provides a means of addressing ways to minimize the possibility of any adverse impact of a tower on existing and planned areas of development. As noted in the Transportation section, a major north/south road is proposed east of the site on the Thoroughfare Plan. Given the proximity to this proposed road, measures should be taken to minimize the visual impact. The Policy suggests preservation of a mature stand of trees between the tower site and the proposed road. (Condition 1)

The height of the tower is not to exceed 199 feet (Condition 6). Access to the tower site will be via a driveway to Nena Grove Lane. Consistent with past actions on similar facilities, should this request be approved, the base of the tower should be secured with a fence to discourage trespassing (Condition 3). Due to the proximity of area development, the communications tower should be gray or another neutral color so as to minimize the visual impact on such development. (Condition 4)

Consistent with past actions on similar facilities and to ensure that the tower does not become a maintenance problem or an eyesore, the tower should be removed at such time that it ceases to be used for communications purposes. (Condition 7)

CONCLUSION

The proposal conforms to the Public Facilities Plan, which suggests that communications towers should be located to minimize the impact on existing or future areas of development. With the imposition of conditions which will minimize the visual impact of the tower from a planned

north/south road, the site conforms to the Public Facilities Plan and the Tower Siting Policy. In addition, the area immediately surrounding the request site is characterized by industrial uses.

Given these considerations, approval of this request is recommended.

CASE HISTORY

Applicant (8/15/06):

The application was amended. The deferral fee has not been paid.

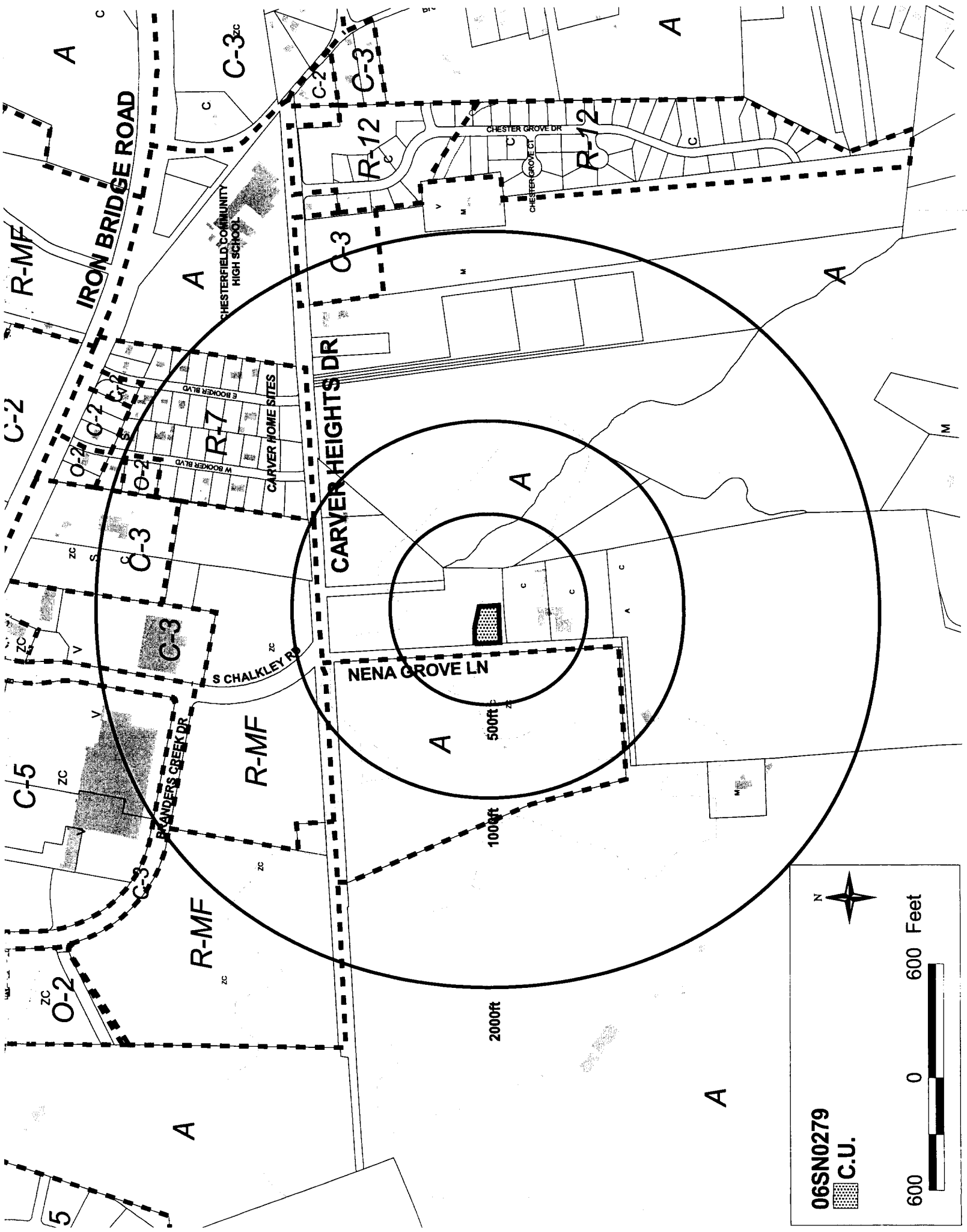
Planning Commission Meeting (8/15/06):

At the request of the applicant, the Commission deferred this case to September 19, 2006.

(Staff (8/17/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than August 21, 2006, for consideration at the Commission September 19, 2006, public hearing.

Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

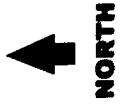


06SN0279

C.U.



600 0 600 Feet



IRON BRIDGE (ROUTE 10)

BRANDERS BRIDGE

CARVER HEIGHTS

SOUTH CHALKLEY ROAD EXTENDED

BRADLEY BRIDGE

LEWIS

CASE 06SN0279
COMMUNICATIONS TOWER

THOROUGHFARE PLAN

06SN0279-1